

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

EDUARDO ASTURIAS,

Plaintiff,

VS.

GERALD SMITH, et al.,

Defendants.

Case No. 4:15-cv-00176-CLS-SGC

MEMORANDUM OPINION AND ORDER

The magistrate judge entered a report on June 22, 2016, recommending that the federal claims in this action be dismissed without prejudice for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1), and that any state law claims asserted in the complaint be dismissed without prejudice pursuant to 28 U.S.C. § 1367(c)(3). (Doc. 17). Although the magistrate judge advised plaintiff of his right to file specific written objections within fourteen (14) days, no objections have been received by the court.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the magistrate judge's report is hereby **ADOPTED**, and the recommendation is **ACCEPTED**. Therefore, in accordance with 28 U.S.C. § 1915A(b)(1), plaintiff's federal claims are due to be dismissed without prejudice for failing to state a claim upon which relief can be granted.

Additionally, plaintiff's state law claims asserted in the complaint are due to be dismissed without prejudice pursuant to 28 U.S.C. § 1367(c)(3). A Final Judgment will be entered.

DONE this 17th day of August, 2016.


United States District Judge